

Jury demand date: 5-10-72 by pltf.

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>MILTON RIDDLE, Plaintiff,</p> <p>vs.</p> <p>PROFESSIONAL INVESTORS LIFE INSURANCE COMPANY,</p> <p>Defendant.</p>		<p>For plaintiff:</p> <p><i>583-7144</i> <i>74768034</i> <i>583-1128</i></p> <p>Paul D. Brunton Woodland Professional Bldg. 3545 E. 51st St. — <i>100 Center Plaza,</i> Tulsa, Okla. <i>74119</i> <i>Suite A</i> <i>74119</i></p> <p>Carpenter, Finch and McArthur Suite 600 1515 W. Seventh St. Little Rock, Arkansas</p> <p>For defendant:</p> <p>Roger R. Scott <i>583-1366</i> 2800 Fourth Natl. Bank Bldg. Tulsa, Okla. 74119 583-1366</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>4-1-72</i>	Clerk	<i>3-31-72</i>	P. Brunton	15.00	
		<i>4-6-72</i>	C.D. No. 45		15 00
J.S. 6 mailed <i>1-1-75</i>	Marshal	<i>4-22-75</i>	R. Scott	5 00	
		<i>4-24-75</i>	C. D. 47		5 00
Basis of Action: Breach of Contract-Money Judgment.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-31-72	Complaint filed and Summons issued. v	
4-11-72	Summons, ret. & filed: served Al Stone, Professional Investors Life at Tulsa, Ok. 4-10-72. (USM \$5.00)	
5-1-72	Answer, filed. hm	
5-10-72	Demand by pltf. for jury trial, filed. rm	
5-26-72	Parties directed to hold pre-trial prior to 7-10-72 and file pre-trial order not later than 7-18-72. (AEB-J)hm	
6-16-72	Notice of taking depositions upon oral examination of Milton Riddle, filed by defts, filed. r	
7-11-72	Application of pltf. for continuance in filing pre-trial order, filed.g	
7-11-72	Order extending time to file pre-trial order 30 days from 7-10-72, filed. (AEB-J)g copies mailed.	
7-17-72	Notice of Taking Depositions Upon Oral Examination of Alexander J. Stone, at 10:00 A.M. on 8-7-72, at office of Frasier & Frasier, in Tulsa, Okla., filed. v	
7-17-72	First Set of Plaintiff's Interrogatories Pursuant to Rule 33, filed. v	
7-31-72	Deposition of Milton Riddle, taken on behalf of the Deft. on 7-24-72, before Evelyn E. Rutherford, LSR, with fees of \$51.00, pd. by the Deft. v	
8-14-72	Appl. of pltf. for ext. of time to complete PT conf., filed. rm - copies ordered to J	
8-21-72	Order granting parties to 9/20/72 to complete pt conf. (AEB-J)rm-copies mailed	
9-12-72	Deposition of Alexander J. Stone, on behalf of the Pltf., taken before James C. Hickerson, on 8-21-72, with fees of \$40.00, pd. by Pltf., filed.v	
9-27-72	Pltf's Appl. for ext of time to submit a pre-trial order, filed. r	
10-2-72	Order, filed, that parties are granted an extension of 30 days within which to complete pre-trial conference & submit pre-trial order. (AEB-J)v <i>copies mailed</i>	
10-3-72	Ordered by the Court that the Deft. is granted 10 days from this date to respond to Pltf.'s Interrogatories. (AEB-J)v -ltr. mailed.	
10-13-72	Answers of def. to pltf.'s interrogatories, filed. rm	
11-17-72	Second set of Pltf.'s Interrogatories Pursuant to Rule 33, filed. v	
12-13-72	Application to strike from pretrial docket, filed. hm <i>orig to Judge W. order</i>	
12-21-72	Answers to second set of interrogatories propounded by plaintiff, filed. ds	
1-3-73	Order filed that this case stricken from pending pretrial docket. (AEB-J)h <i>copies mailed</i>	
1-3-73	Amended Answer and Counterclaim filed.	
1-5-73	Motion of pltf. to strike def.'s amended ans. and counterclaim, w/ brief in support thereof, filed. rm	
1-8-73	Ordered that def. is granted 10 days in which to respond to pltf.'s motion to strike amended answer and counterclaim. (AEB-J)rm - ltr written	
1-11-73	Response to Pltf.'s Motion to Strike Deft.'s Amended Answer and Counter-Claim, filed. v	
7-12-73	Order overruling Plaintiff's motion to strike def's amended answer and counterclaim filed. (AEB-J)h-copies mailed)	

(contd.)

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DATE	PROCEEDINGS	Date Order or Judgment Noted
7-26-73	Third set of pltf. interrogatories to def., filed. rm	
7-26-73	Appl. of pltf. for ext. of time to respond to def. amended ans. & counterclaim, filed. rm <i>Submitted to Judge</i>	
7-30-73	Order, filed, ordering Pltf. respond to Counter Claim within 15 days from the date Plt. receives Deft's answers to Pltf's 3rd set of Interrogatories (AEB-J)jj copies mailed	
8-14-73	Answers to Pltf.'s Third Set of Interrogatories, filed. v	
8-31-73	Reply to Deft's Counter-Claim, filed. jj	
9-7-73	Parties directed to hold PT conference prior to 10-22-73 & file PT order not later than 10-29-73. (AEB-J)v -notice mld.	
2-12-74	Pre-trial order, filed. (AEB-J)hm	
4-19-74	MO: Ordered that this case is set for Jury Trial on Wed., May 8, 1974 at 10:00 a.m. (AEB-J)e	
5-6-74	MO: Ordered by the Court that this case is stricken from Jury docket of 5/8/74, pending settlement. (AEB-J)rm	
6-19-74	Case set for jury trial 7-22-74 at 9:30 a.m. (AEB-J)hm	
7-18-74	Pltf's Trial Brief, Statement of Facts, filed. lm	
7-18-74	Pltf's requested instructions, filed. lm	
7-22-74	Case called for jury trial. Parties represented and announce ready. Case passed until disposition of criminal jury trials. Parties to be advised of time of trial.(AEB-J)bm	
7-24-74	Case called for jury trial. Parties represented and agree to selection of jury by Clerk out of presence of Court. Jury selected, parties accept jury as chosen. Oath administered. Parties to be notified of time of trial. (AEB-J)hm	
7-25-74	Counsel for Pltf. & Pltf. appeared in court. Parties to be advised of time of trial.(AEB-J)b	
7-26-74	Motion for leave to file amendment to answer w/ memorandum of authorities in support of, filed.k <i>o to J part of Mat. orig. filed</i>	
7-29-74	Def's Motion to dismiss &/or for directed verdict & Memorandum of Authority, filed.k	
7-31-74	Ordered by the Court that def. ^{pltf.} is allowed to file amendment to answer and is directed to file a written response to the deft's motion to dismiss &/or for directed verdict. (AEB-J)hm	
7-31-74	Pltf's motion to strike and/or pltf's response to deft's motion to dismiss and/or for directed verdict, filed. hm (with brief)	
7-31-74	Order striking case from jury docket, sua sponte, due to pendency of various motions. (AEB-J)rm - parties notified by phone & copies md.	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-20-74	It is ordered by the Court that this case is transferred to Judge Luther Bohanon. (AEB-J)hm <i>letter written parties</i>	
11-20-74	First amendment to amended answer, filed. hm	
11-25-74	Order, filed, that deft's motion to dismiss and/or for directed verdict is denied and that case will be set on an early jury docket for trial. (LB-J)hm (copies mailed)	
11-25-74	Case set for jury trial 12-16-74 at 9:30 a.m. (LB-J)hm	
11-26-74	Case stricken from jury trial, but set at 9:30 a.m. 12-16-74 for hearing on all motions. (LB-J)hm	
11-27-74	Case reset for jury trial on 12-16-74 at 9:30 a.m.; also set for any motions in Okla. City on 12-4-74 at 10:00 a.m. (LB-J)hm (letter written)	
12-3-74	Certificate and Affidavit of Deft. in Further Support of Deft's Mtn. to Dismiss and/or for Directed Verdict.", filed.jj	
12-4-74	Hearing held in Okla. City on deft's motion to dismiss and/or for directed verdict. Parties present. Arguments heard. Deft's motion denied by the Court. (LB-J)hm (per Bud Bailey)	
12-10-74	Defendant's Requested Instructions, filed. js	
12-16-74	Case tried to a jury Dec. 16 and Dec. 17, 1974. Jury empaneled and admonished. Rule Invoked. Opening statements made. Pltf. presents case in chief with testimony of witnesses. Pltf. rests. Deft's motion for dismissal denied. Deft. presents case in chief with testimony of witnesses and rests. Parties rest. Court grants leave for deft. counsel to substitute copies for deft's exhibits 1 thru 4. On 12-17-74 Court allows pltf. to reopen & pltf. presents rebuttal evidence with test. of witness & rests. Parties rest. Closing arguments made. Instructions given to jury by Court. Jury retires to deliberate at 11:50 a.m. on 12-17-74. Jury returns with verdict at 5:07 p.m. and is polled. Verdict ordered received, read and filed in open court. Jury discharged. Pltf. states intention of filing motion for atty. fees. (LB-J)hm	
12-17-74	Verdict, filed, finding for the Pltf. & against the Deft. on the Pltf's cause of action & fixing his damages in the amount of \$2,851.25.hm	
12-17-74	Instructions to the jury, filed in open court. hm	
12-17-74	Trial exhibits, filed. (some in file, some in exhibit room)hm	
12-23-74	Pltf's motion to determine and assess costs, including attorney fees. filed. hm	
12-23-74	Pltf's brief in support of his motion to determine and assess costs, including attorney fees, filed. hm	
12-26-74	Journal entry of judgment, filed and entered, that deft. recover nothing from pltf.; that pltf. recover from deft. the sum of \$2,851.25 for actual damages for which let execution issue; that deft. pay cost of action. (LB-J)hm (copies mailed)	

JUDGE BOHANON

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-3-75	Bill of Costs, filed. lm	
1-13-75	Bill of Costs taxed in the amount of \$121.95.lm	
1-20-75	Supplemental Brief in support of pltf's mot. to determine and assess attorney fees, filed.k	
1-23-75	MO: Ordered by the Ct. that this case is set for hrg. on pltf. mo/determine and assess costs, including atty fee, for 10 a.m. 1/31/75. (LB-J)rm - notice	
1-29-75	Deft's BRIEF in opposition to pltf's motion to determine and assess costs, including attorney fees, filed. lm	
1-31-75	Hearing held on pltf. mo/determine and assess costs, including atty. fee. Parties rep. by counsel of record. That portion of motion concerning costs not considered by Ct. as costs previously assessed by Clerk. Paul Brunton sworn to testify on his own behalf. Pltf. Ex. 1 (statement of atty. fees) placed into evidence. Pltf. & Defs. witnesses sworn & testify. Motion taken under advisement by the Ct. (LB-J)rm	
3-3-75	Order, filed and entered, that pltf. have judg. against def. in amt. of \$2,500 for atty. fee to be taxed as costs, together w/int. from 2/28/75 until pd. at 10%. (LB-J)rm - copies mailed	
3-10-75	Mot. of Deft. for New Trial, filed. v	
3-14-75	MO: Ordered by the ct. that this case is set for hrg. on def.'s mo/new trial for Monday, 3/24/75 at 9 a.m. (LB-J)rm - notices	
3-24-75	Hearing held on def. mo/new trial. Parties rep. by counsel of record. Statements made. Motion overruled. Def. to prepare proper order.(LB-J)rm	
3-31-75	Order, filed and entered, overruling def. mo/new trial.(LB-J)rm-copies md.	
4-22-75	Deft's Notice of appeal, filed, from Order assessing atty's fees as costs. k (copies to counsel and USCA)	
4-23-75	Bond for costs on appeal in amt. of \$250.00, filed by Professional Investors Life Ins. Co. as principal. k	
5-5-75	Agreed Statement as record on appeal, filed. rm	
5-28-75	Transcript of hearing on pltf. motion with reference to costs, including attorney fees, held on 1/31/75, filed.(Frank Sickles-CR)rm	
5-28-75	Original record on appeal (2 vols) sent to USCA. rm	
2-5-76	Mandate & Opinion of USCA affirming judgment of 12-26-74, filed and spread of record. g	
2-11	Record on appeal (2 vols.) received from USCA.rm	
2-18	Order exonerating cost bond, filed. (AEB-J)g	
3-5	Motion of pltf. to determine and assess costs, including atty. fees, on appeal, filed. rm	
3-5	Brief of pltf. in support of mo/determine & assess costs, inc. atty. fee, filed. rm	
3-5	Release and satisfaction of judg. of 3/3/75 by pltf., filed. rm	

DATE 1976	PROCEEDINGS	Date Order or Judgment Noted
3-10	Deft.'s response to pltf's mot. to assess costs, including atty. fees on appeal, filed.k	
5-11	MO: Case set for hearing on pltf. motion to determine and assess costs, including atty. fees on appeal, for 9:30 a.m., Tuesday, May 18, 1976. (LB-J)rm - notices	
5-17	MO: Case stricken from hrg. of 5/18/76, as matters are settled and appl. is moot.(LB-J)rm-parties notified by phone	